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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MARY A. ROCKETT,
12 Plaintiff,
13 v.
14 MICHAEL J. ASTRUE,
15 Respondent.
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Case No. 3:10-cv-00163-AJB-WVG

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION; (2)
DENYING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT; AND
(3) GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

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19 Presently before the Court are Plaintiff Mary A. Rockett's Motion for Summary Judgment,
20 Defendant Michael J. Astrue's Cross-Motion for Summary Judgment, and Magistrate Judge William
21 V. Gallo's Report and Recommendation advising the Court to deny Plaintiff's motion and grant
22 Defendant's motion.


23 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district judge's
24 duties in connection with a magistrate judge's report and recommendation. The district judge must
25 "make a *de novo* determination of those portions of the report to which objection is made," and
26 "may accept, reject, or modify, in whole or in part, the finding or recommendations made by the
27 magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Remsing*, 874 F.2d 614, 617 (9th
28 Cir. 1989). However, in the absence of timely objection, the Court "need only satisfy itself that there

1 is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P.
2 72(b), Advisory Committee Notes (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,
3 1121 (9th Cir. 2003).

4 Neither party has timely filed objections to Magistrate Judge Gallo’s Report and
5 Recommendation. (*See* R & R 31-32 (objections due by September 6, 2011).) Having reviewed the
6 report and recommendation, the Court finds that Magistrate Judge Gallo’s Report and
7 Recommendation is thorough, well reasoned, and contains no clear error. Accordingly, the Court
8 hereby: (1) **ADOPTS** Magistrate Judge Gallo’s report and recommendation; (2) **DENIES** Plaintiff’s
9 Motion for Summary Judgment; and (3) **GRANTS** Defendant’s Cross-Motion for Summary
10 Judgment.

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12 IT IS SO ORDERED.

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14 DATED: September 16, 2011

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16 Hon. Anthony J. Battaglia
U.S. District Judge